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13

14 UNITED STATES DISTRICT COURT
15 SOUTHERN DISTRICT OF CALIFORNIA

16 IN RE SONY VAIO COMPUTER
NOTEBOOK TRACKPAD
17 LITIGATION,

Case No.: 3:09-CV-02109-CAB-MDD

CLASS ACTION

18 JOINT MOTION TO EXTEND CASE
19 SCHEDULING ORDER DEADLINES

20 Judge: Honorable Cynthia A. Bashant
Courtroom: 4B, 4th Floor (Schwartz)
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1 Plaintiffs Christina Egner and Rickey Glasco (collectively “Plaintiffs”)
2 and defendant Sony Electronics, Inc. (“Sony”) (collectively, the “Parties”), by
3 and through their respective counsel, hereby jointly submit this motion to extend
4 the deadlines set forth in the Court’s December 15, 2013 Case Scheduling Order
5 (ECF No. 201) (the “Scheduling Order”):

6 WHEREAS, on September 25, 2013, the Court certified two classes of
7 California and New Jersey residents who purchased a Sony VAIO Laptop, series
8 SZ, FZ, NW (erroneously stated as NQ in order), EB, and F between March 16,
9 2006 and present. (ECF Nos. 197-198) (“Certification Order”).

10 WHEREAS, on December 5, 2013, following the Court’s Certification
11 Order, the Court issued a Case Scheduling Order. (ECF No. 201.) Discovery in
12 this action was separated into two phases: phase one included pre-class
13 certification discovery through the filing of the class certification motion (ECF
14 Nos. 64 at ¶ 1; 105 at ¶ 3) and phase two consists of post-class certification
15 merits discovery to be completed by all parties on or before June 15, 2014,
16 meaning all discovery must be served and responded to on or before this date.
17 (ECF No. 201 at ¶12.)

18 WHEREAS, the Parties have been diligently engaging in post-class
19 certification merits discovery, including the service of and response to
20 interrogatories and document requests. In particular, Sony responded to
21 Plaintiffs’ First Set of Requests for Production of Documents Regarding Merits
22 Discovery on March 27, 2014, by agreeing, in part and subject to its objections
23 and responses, to produce responsive documents.

24 WHEREAS, Sony has produced nearly 70,000 files or pages to date in the
25 case, and has completed review and production of approximately half of its
26 rolling production in response to Plaintiffs’ requests for production, which
27 Plaintiffs served and Sony responded to or about March 27, 2014. Sony
28 anticipates producing remaining documents on a rolling basis with its production

1 estimated to be completed between June 15, 2014 and July 1, 2014. Sony
2 anticipates that less than 10,000 files will be produced after the date of this joint
3 motion. The review and production process involves extremely large electronic
4 data sets and spreadsheets, as well as numerous custodians and centralized
5 sources of information. As such, the review and production process is time
6 consuming.

7 WHEREAS, Plaintiffs anticipate needing 75-90 days from the production
8 completion date in order to “complete” discovery under Rules 30-36 of the
9 Federal Rules of Civil Procedure (“FRCP”), and to potentially propound third
10 party subpoenas under FRCP 45, taking into account time for review of the
11 production, follow-up written discovery, use of production documents at
12 upcoming depositions, document authentication, and resolution of discovery
13 disputes under, *inter alia*, Local Rule 26.1.a. Sony anticipates needing 75 days
14 to complete any follow up discovery as to the named plaintiffs and any third
15 party discovery.

16 WHEREAS, the Parties agree that additional time beyond June 15, 2014 is
17 necessary for the Parties to complete fact discovery in an orderly manner and to
18 limit the need for judicial intervention in the discovery process. The Parties
19 further agree that there is no prejudice to any party resulting from the short
20 extension requested.

21 WHEREAS, the final pre-trial conference, jury trial, and motion in limine
22 hearing dates set forth in the existing Scheduling Order (ECF No. 201) before
23 Judge Battaglia were vacated by the Court’s May 14, 2014 transfer order (ECF
24 No. 213) and need to be reset.

25 WHEREAS, the Parties make the instant joint motion to extend the
26 pending discovery and trial deadlines by seventy-five (75) days and to reset the
27 vacated final pre-trial conference, jury trial, and motion in limine hearing dates.
28

NOW THEREFORE, the Parties hereby propose that the deadlines in the Scheduling Order be amended as follows:

Action	Current	Proposed 75 Day Extension
Fact Discovery Completed	June 15, 2014	August 29, 2014
Comply with Disclosure Requirements in Rule 26(a)(2)(B)	July 15, 2014	September 29, 2014
Supplement Disclosures re Contradictory or Rebuttal Evidence under Rule 26(a)(2)(c)	August 15, 2014	October 29, 2014
Deadline to provide class notice	None	September 15, 2014
Deadline for Expert Depositions	September 15, 2014	December 1, 2014
Deadline to file Dispositive Motions, including <i>Daubert</i> Motions	October 15, 2014	January 16, 2015
Deadline to Complete Pretrial Disclosures per Rule 26(a)(3)	February 15, 2015	May 1, 2015
Deadline to Meet & Confer and Prepare a Proposed Pretrial Order	February 22, 2015	May 8, 2015
Objections to Pretrial Disclosures Due	March 2, 2015	May 18, 2015
Proposed Final Pretrial Conference Order Due	March 2, 2015	May 18, 2015
Pretrial Conference	March 13, 2015	May 27, 2015
Deadline to File Motions in Limine	March 20, 2015	June 3, 2015
Deadline to File Trial Brief	March 20, 2015	June 3, 2015
Oppositions to Motion in Limine Due	March 27, 2015	June 10, 2015
Motion in Limine Hearing	April 3, 2015	June 17, 2015
Deadline to File Stipulations and Agreements.	April 20, 2015	July 6, 2015
Deadline to File Uncontested Facts.	April 20, 2015	July 6, 2015
Deadline to File Joint Exhibit List	April 20, 2015	July 6, 2015
File Agreed Summary of Factual Nature of the Case and Any Alleged Injuries and Damages	April 20, 2015	July 6, 2015
File Joint List of Witnesses Likely to Be Called	April 20, 2015	July 6, 2015
File Additional Written <i>Voir Dire</i> Questions for Judge to Consider	April 20, 2015	July 6, 2015

Action	Current	Proposed 75 Day Extension
File Joint Set of Agreed Jury Instructions on Substantive Law and/or Verdict Forms	April 20, 2015	July 6, 2015
Jury Trial	May 4, 2015	July 20, 2015

IT IS SO STIPULATED.

Respectfully submitted,

Dated: June 9, 2014

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1 Dated: June 9, 2014

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11 ECF CERTIFICATION

12 Pursuant to Section 2(f)(4) of the Electronic Case Filing administrative
13 Policies and Procedures Manual, I hereby certify that the content of this
14 document is acceptable to Defendants' counsel and that I have obtained
15 concurrence regarding the filing of this document from the signatories to this
16 document.

17 Dated: June 9, 2014

18
19 By: /Aaron M. Olsen
AARON M. OLSEN

CERTIFICATE OF SERVICE

I hereby certify that on June 9, 2014, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the Electronic Mail Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on June 9, 2014.

s/Aaron M. Olsen
AARON M. OLSEN

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